

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

LIA ROSALSKY

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Weir Greenblatt Pierce LLP; 1339 Chestnut Street, Suite  
500, Philadelphia, PA 19107; (215) 665-8181

**DEFENDANTS**CBS BROADCASTING, INC. d/b/a CBS-3  
CBS PHILLY

County of Residence of First Listed Defendant **New York**  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
FLSA of 1938, as amended 29 U.S.C. §§ 201, et seq.

Brief description of cause: Plaintiff asserts that she was discriminatorily paid less for performing work in the same establishment requiring substantially equal skill, effort and responsibility based on her sex and was retaliated against when she reported such discrimination

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**  
in excess of \$75,000

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE

May 25, 2022

SIGNATURE OF ATTORNEY OF RECORD

s/Noah S. Cohen

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: South Philadelphia, Pennsylvania  
Address of Defendant: New York, New York  
Place of Accident, Incident or Transaction: Philadelphia, Pennsylvania

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 05/25/2022 \_\_\_\_\_ 313849  
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts  
☐ 2. FELA  
☐ 3. Jones Act-Personal Injury  
☐ 4. Antitrust  
☐ 5. Patent  
☐ 6. Labor-Management Relations  
☒ 7. Civil Rights  
☐ 8. Habeas Corpus  
☐ 9. Securities Act(s) Cases  
☐ 10. Social Security Review Cases  
☐ 11. All other Federal Question Cases  
(Please specify): \_\_\_\_\_

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts  
☐ 2. Airplane Personal Injury  
☐ 3. Assault, Defamation  
☐ 4. Marine Personal Injury  
☐ 5. Motor Vehicle Personal Injury  
☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_  
☐ 7. Products Liability  
☐ 8. Products Liability – Asbestos  
☐ 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Noah S. Cohen, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:  
☐ Relief other than monetary damages is sought.

DATE: 05/25/2022 \_\_\_\_\_ 313849  
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**LIA ROSALSKY**

**Plaintiff,**

**v.**

**CBS BROADCASTING, INC. d/b/a CBS-3,  
CBS PHILLY**

**Defendant.**

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**CIVIL ACTION NO.**

**JURY TRIAL DEMAND**

**CIVIL COMPLAINT**

Plaintiff, Lia Rosalsky, by undersigned counsel, files this Civil Complaint and in support alleges the following:

**I. Jurisdiction**

1. The jurisdiction of this Court is invoked pursuant to Section 16(b) of the Fair Labor Standards Act of 1938, 29 U.S.C. §216(b), incorporating by reference the Equal Pay Act of 1963, 29 U.S.C. §206(d); and 28 U.S.C. §1331, and 1343.<sup>1</sup>

**II. The Parties**

2. Plaintiff Lia Rosalsky is a female individual who resides in South Philadelphia. At all times relevant she was an employee of Defendant, within the meaning of the Fair Labor Standards Act, 29 U.S.C §203(e)(1).

3. Defendant CBS Broadcasting, Inc. is a corporation with its principal place of business at 51 West 52<sup>nd</sup> Street New York, NY 10019. Defendant is an “employer” within the

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<sup>1</sup> Additionally, Ms. Rosalsky currently has a Charge of Discrimination against CBS Broadcasting, Inc., with docket number 510-2022-00447, pending at the agency level, alleging discrimination under Title VII of the Civil Rights Act of 1964.

meaning of the FLSA, 29 U.S.C. §§216(b) and 203(d), and is engaged in interstate commerce within the meaning of 29 U.S.C. §§203(b), 203(i), 203(j), 206(a), and 207(a).

### **III. Factual Background**

4. Ms. Rosalsky began her employment with Defendant in 2013, and has been employed continuously as a per diem (“casual”) writer/producer in Philadelphia since 2018.

5. Defendant maintains a tiered system of producers wherein some producers are employed as “full-time producers” while others, such as Ms. Rosalsky, are hired as “casual producers”. This system is discriminatory against women, including but not limited to Ms. Rosalsky, as “casual” producers are almost exclusively women<sup>2</sup> and are subjected to significantly worse conditions, including but not limited to a lesser rate of pay and lack of benefits, despite working in the same establishment for equal work on jobs requiring equal skill, effort and responsibility, and performed under identical working conditions. On several occasions, Ms. Rosalsky had more responsibility than other full-time producers, specifically when working weekend shifts, when she was responsible for assigning reporters to stories, approving, editing, and printing scripts for live newscasts.

6. Specifically, full-time producers receive the following benefits not available to casual producers: (a) higher wages, better overtime and holiday rates, raises, bonuses, paid sick and vacation leave, disability benefits, mental health support, consistent schedules, transportation reimbursement, and myriad other benefits.

7. During the period from May 2019 through March 31, 2022, at which time Defendant stopped paying her, Defendant paid Ms. Rosalsky, as a “casual producer”, at rates less than the rates it paid “full-time producers”.

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<sup>2</sup> According to Defendant’s Position Statement they have hired male casual employees since Plaintiff went on leave in October 2021.

8. All of the per diem producers Ms. Rosalsky worked alongside were also female.

9. Full-time producers are both male and female.

10. Ms. Rosalsky made it clear that she would prefer a full-time position and applied whenever one became available that she was made aware of. Ms. Rosalsky was told by the hiring manager that she lacked the “passion” that the other candidates showed.

11. Despite an excellent performance record, including nominations for several Emmys, Ms. Rosalsky was continually passed over for promotions to full-time position.

12. Ms. Rosalsky complained to various managers and union personnel regarding the unfair and discriminatory system of using female “casual” producers to do the same work for less money and worse working conditions as their counterpart male and other full-time producers.

13. Plaintiff complained to then-President and General Manager Brandin Stewart on both January 23, 2020 and March 31, 2021 regarding the discriminatory practice of having casual producers being treated significantly worse than full-time producers while doing the same work. Mr. Stewart even forwarded Ms. Rosalsky’s January 23, 2020 email to the Human Resources Manager and the News Director. Ms. Rosalsky also complained to Human Resource Manager Paul Marrero on September 13, 2021 regarding her supervisor’s unfair treatment toward female casual producers.

14. Ms. Rosalsky has been subjected to retaliation for her complaints about unequal pay including being scheduled for worse shifts, being singled out to work in-person during the pandemic, and not being promoted to a full-time producer position despite being more than qualified for the position.

**Count I**  
**Equal Pay Act**

15. Plaintiff incorporates by reference the allegations in Paragraphs 1 through 13 as if fully restated herein.

16. During the period between May 2019 and May 2022, Defendant violated the Equal Pay Act, 29 U.S.C. §206(d), by paying wages to Ms. Rosalsky, a woman, at rates less than the rates it pays male producers in the same establishment for equal work on jobs requiring equal skill, effort and responsibility, and performed under the same working conditions.

17. Defendant's violation of the Equal Pay Act was willful.

**Count II**  
**Retaliation**

18. Plaintiff incorporates by reference the allegations in Paragraphs 1 through 15 as if fully restated herein.

19. Plaintiff's complaints to Brandin Stewart, human resources, and union personnel about Defendant's practice of unequal pay, benefits, and treatment is the filing of a complaint within the meaning of the FLSA, 29 U.S.C. §215(a)(3), which incorporates by reference the Equal Pay Act.

20. Defendant did not promote Ms. Rosalsky in retaliation for her complaints in violation of 29 U.S.C. §215(a)(3).

21. Defendant's violation of the FLSA/EPA was intentional and undertaken with reckless indifference to Ms. Rosalsky's right to not be retaliated against for complaining of EPA violations.

**Request for Relief**

WHEREFORE, Plaintiff respectfully requests judgment against Defendant and the following specific relief as follows.

- a) A declaratory judgment that Defendant's actions, policies, practices, and procedures complained of herein have violated Plaintiff's right as secured to her by law;
- b) Defendants are to compensate, reimburse, and make Plaintiff whole for any and all pay and benefits she would have received had it not been for Defendants' illegal actions, including but not limited to lost earnings, past and future, and the value of lost bonuses and health benefits;
- c) Plaintiff is to be awarded liquidated damages for Defendants' illegal actions, as provided under applicable law;
- d) Plaintiff is to be awarded the costs and expenses of this action and reasonable legal fees as provided under applicable law;
- e) Plaintiff is to be awarded compensatory damages, as the Court deems appropriate;
- f) Plaintiff is to be awarded punitive damages, as the Court deems appropriate; and
- g) Plaintiff is to be awarded any and all other equitable and legal relief as the Court deems appropriate.

**WEIR GREENBLATT PIERCE LLP**

DATE: May 25, 2022

s/Noah Cohen  
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